



MEMORANDUM

TO: Local Directors of Special Education

FROM: Nicole Norvell, Director of Special Education

DATE: March 21, 2012

SUBJECT: Evaluation Timelines

This memorandum is to serve as assistance in helping all Local Educational Agencies (LEAs) meet the requirements outlined within Article 7 and the Individuals with Disabilities Education Act (IDEA) pertaining to initial evaluations for determining eligibility for special education and related services. The Indiana Department of Education Office of Special Education is charged, under section 34 CFR §300.600 in IDEA, to monitor all LEAs in the state using quantifiable indicators to adequately measure performance in priority areas. Two of the Indicators utilized to measure performance are federal Indicator 11 (percent of children determined eligible within 50 instructional days), and Indicator 12 (percent of children transitioning from Part C to B with services in place by their 3rd birthday). The information collected for both of these indicators is submitted to the Indiana Department of Education (IDOE) via the DOE-EV collection that occurs in May of each school year. Information is taken directly from the DOE-EV to verify compliance and issue findings where noncompliance exists.

As related to Indicator 12, there are five allowable exceptions to not having services in place by the third birthday, as outlined in Article 7 and IDEA. They are as follows:

- Parent refused to provide consent for evaluation [511 IAC 7-40-4(h)]
- When a student enrolls in a school of another public agency after the relevant time frame in 511 IAC 7-40-5(a) has begun, and prior to completion of the evaluation [511 IAC 7-40-5(d)(4)]
- Parent revoked consent for evaluation [511 IAC 7-42-15(c)]
- When the parent of a student repeatedly fails or refuses to produce the student for the evaluation [511 IAC 7-40-5(d)(3)]
- Student's birthday falls within the summer months and the case conference determined that Extended School Year (ESY) was not necessary [511 IAC 7-43-2(e)(2)]

As related to Indicator 11, there are only four allowable exceptions to not having an initial evaluation completed (i.e. having a case conference) within either the 50 or 20 day timeline. They are as follows:

- Parent refused to provide consent for evaluation [511 IAC 7-40-4(h)]
- When a student enrolls in a school of another public agency after the relevant time frame in 511 IAC 7-40-5(a) has begun, and prior to completion of the evaluation [511 IAC 7-40-5(d)(4)]
- Parent revoked consent for evaluation [511 IAC 7-42-15(c)]
- When the parent of a student repeatedly fails or refuses to produce the student for the evaluation [511 IAC 7-40-5(d)(3)]

In the event that an LEA is unable to have a parent(s) attend an initial case conference, either in person or by alternate means as described in 511 IAC 7-42-2(a), within the 50 or 20 day timeline, it would be recommended that the LEA hold the conference prior to the expiration of the timeline, document the attempts that were made to contact the parent and then continue to find mutually agreeable times to reconvene a conference to obtain written consent from the parent before the initial provision of special education and related services are put into effect for the student [511 IAC 7-42-7 (f)].

Any previous guidance regarding allowable exceptions to timelines for Indicator 11 and 12 should be disregarded.

Should there be any questions pertaining to the above information, please contact the IDOE Office of Special Education at 317-232-0570 or via electronic mail at special@doe.in.gov.